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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,181	02/22/2002	Armand Nachef	T2146-907758	7549

181 7590 09/08/2005

MILES & STOCKBRIDGE PC  
1751 PINNACLE DRIVE  
SUITE 500  
MCLEAN, VA 22102-3833

EXAMINER
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BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/069,181

Applicant(s)

NACHEF, ARMAND

Examiner

Sam Bhattacharya

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 4 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 6/23/05. These drawings are acceptable.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bottan et al. (US Patent Application Publication No. 2002/0042846 A1).

Regarding claim 1, Bottan discloses a method for processing digital data in a mobile telephone network comprising a mobile unit 112 operatively connected to a smart card having an embedded chip, said chip having an information processor and a data storage unit, said data storage unit including a reporter-type application program, said method comprising: receiving, in a remote server 101, an event sent from a mobile unit; and delegating, in response to receiving said event, execution of a smart-card operation to an additional application program stored in a data storage unit 107 of the remote server. See FIG. 1, paragraph [0010], lines 1-5 and paragraph [0025], lines 10-14.

Regarding claim 2, Bottan discloses that the data storage unit of the smart card stores at least one program for controlling said mobile unit by sending commands and for reacting to

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events sent from the mobile unit, said program for reacting to said events executing instructions associated with said events, in order to perform functionalities associated with at least one predetermined application. See paragraph [0022], lines 10-15.

Regarding claims 3, 9 and 16, Bottan discloses that the reporter-type application program retransmits to the remote server a data characteristic of said event received from said mobile unit, and wherein the additional application program in the remote server executes, upon reception of said data characteristic, at least one of said instructions associated with said at least one predetermined application, and retransmits results of said execution to said mobile unit to said embedded chip in the smart card. See paragraphs [0107] and [0108].

Regarding claims 5, 10, 18 and 19, Bottan discloses that the additional application program stored in the remote server is a master-type application program, wherein a slave-type application program is stored in said storage unit of said embedded chip of the smart card, wherein said slave-type application program receives commands from the master-type application program and executes said commands using said information processor of said embedded chip of the smart card, and wherein said slave-type application program retransmits results of said execution of commands to the master-type application program. See paragraph [0160], lines 8-16.

Regarding claims 6, 11, 13 and 20, Bottan discloses that at least one of the reporter-type application program and the slave-type application program is an autonomous-type application program which directly executes a pre-established part of said at least one predetermined application in said embedded chip of the smart card. See paragraph [0160], lines 16-20.

Regarding claim 7, Bottan discloses that said mobile telephone network complies with a GSM standard, and wherein said reporter-type application program complies with a GSM 1 1.14 standard. See paragraph [0149], lines 19-21.

Regarding claim 8, Bottan discloses that said telephone network includes at least two distinct transmission channels, one being a voice data channel and another being a message channel, and wherein said transmitted digital data includes messages of a short type comprising 140 octets or 160 septets transmitted through said message channel. See paragraph [0111], lines 4-11.

Regarding claims 12, 14 and 15, Bottan discloses that the smart card is a SIM type card. See paragraph [0025], lines 10-15.

#### *Allowable Subject Matter*

4. Claims 4 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the claims are objected to for the reasons stated in the previous Office Action.

#### *Response to Arguments*

5. Applicant's arguments filed 6/23/05 have been fully considered but they are not persuasive.

Applicant states that Bottan is not prior art because the present application claims priority to French Application 0007978, which was filed before the filing date of Bottan. Applicant also states that Applicant will file foreign priority papers.

However, Applicant cannot rely upon foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

  
**SONNY TRINH**  
**PRIMARY EXAMINER**